

Office of the State Public Defender

Administrative Policies

Subject: Caseload Management	Policy No.: 117
Title: 47	Pages: 2
Section: 1-105	Last Review Date: 7/11/12
Effective Date: 10-1-07	Revision Date: 7/23/12

1.0 POLICY

- 1.1 A mission of the Office of the State Public Defender (OPD) is to insure that no attorney doing public defender work, either as an employee or as a contract attorney, has a workload of such an amount that clients are not being adequately represented and/or the wellbeing of the attorney is jeopardized.
- 1.2 The regional deputy public defenders (RDPDs) and the managing attorneys in each public defender office are responsible for managing the workloads of the attorneys they supervise.
- 1.3 The RDPD will follow the below procedures upon receipt of a Notice of Appointment of the Office of the State Public Defender, or receipt of a case in any other fashion.

2.0 PROCEDURE

2.1 Staff Attorneys

- 2.1.1 The RDPD or the managing attorney in a public defender office will assign the case to an attorney in the office.
- 2.1.2 The RDPD will prepare and file a notice of who will be the attorney of record with the court.
- 2.1.3 The RDPD and managing attorney will discuss the case weighting system and workload at least monthly with each employed public defender they supervise. When a public defender expresses a problem with his/her workload, the supervising attorney shall work with the public defender to alleviate the workload. The supervising attorney shall consider doing any of the following:
 - 2.1.3.1 discontinue assigning cases to the public defender for a specified time;
 - 2.1.3.2 discontinue assigning specific kinds of cases to the public defender for a specified time;
 - 2.1.3.3 assign other public defenders to assist on particular cases;
 - 2.1.3.4 assign extra staff or an investigator to assist on particular cases;
 - 2.1.3.5 reassign particular cases; and/or
 - 2.1.3.6 negotiate time off work for the public defender.
- 2.1.4 The supervising attorney shall consider any other solutions that the public defender suffering excessive caseload may have.
- 2.1.5 The RDPDs and managing attorneys shall keep the Chief Public Defender fully informed about workload problems expressed by the

attorneys they manage. The Chief Public Defender shall report to the Public Defender Commission as workload problems arise.

2.2 Contract Attorneys

- 2.2.1 The RDPD will determine which contract attorneys are willing to be assigned to the case.
- 2.2.2 The RDPD will review the number of open cases that each contract public defender is carrying to ensure effective assistance of counsel, and will, at the time any new case is assigned, ascertain that the contract attorney has a workload that allows sufficient time to be devoted to the new case and client.
- 2.2.3 When a contract attorney's workload will not allow time to adequately represent a client, the client's case shall be assigned to another contract public defender. If another local contract attorney cannot be found, the Contract Manager shall be so advised and assist in locating counsel for the client.
- 2.2.4 The RDPD will prepare and file a notice of who will be the attorney of record with the court.
- 2.2.5 The RDPD will send a copy of the notice to the contract attorney who has agreed to handle the case.

3.0 CLOSING

Questions about this policy should be directed to OPD at the following address:

Office of the State Public Defender
Administrative Service Division
44 West Park
Butte, MT 59701
Phone 406-496-6080